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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,721	08/05/2003	Noboru Sasa	R2184.0081/P081-A	5704
24998	7590	11/16/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			TRAN, THANG V	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2653	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,721	Applicant(s) SASA ET AL.	
	Examiner Thang V. Tran	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 25-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. 09/722,689.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25-27, 29-31, 33-35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi et al. (US 5,732,062).

Regarding claims 25, 29, 33 and 37, see Figs. 6 and 7 or 16 and 17, as example, which show an optical recording system for an optical recording medium comprising: a write power allocating unit (see Fig. 6) for performing a function of allocating two or more discrete write powers (Af, Ar, B, Br) to a single recording pulse pattern (see Fig. 7); and a supplying unit (see Fig. 6) for performing a function of supplying the recording pulse to a pickup (LD) to emit a light beam to record mark on the recording medium according to the supplied recording pulse (see column 11, lines 38 to column 14, lines 19). Note: see the recording pulse in Fig. 7 having r power higher at head-end and tail-end portions as compared to the power at an intermediate portion as further recited in claim 29 and 37.

Regarding claims 26, 30, 34 and 38, see Fig. 7 or 17.

Regarding claims 27, 31, 35 and 39, see Fig. 6 and 7 or 16 and 17.

3. Claims 25-28 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (US 5,815,477).

Art Unit: 2653

Regarding claims 25 and 33, see Figs. 2, 3 and 12-15 or 22-24, as example, which show an optical recording system (see Fig. 2 or 22) for an optical recording medium comprising: a write power allocating unit (18) for performing a function of allocating two or more discrete write powers(PH1, PH2) to a single recording pulse pattern (see Fig. 3, 13, 15 or 24) ; and a supplying unit (20) for performing a function of supplying the recording pulse to a pickup (5) to emit a light beam to record mark on the recording medium according to the supplied recording pulse.

Regarding claims 26 and 34, see Fig. 3, 13, 14, 15 or 24.

Regarding claims 27 and 35, see Fig. 1 or 22.

Regarding claims 28 and 36, see Fig. 9 and its respective disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoi et al. (US 5,732,062) in view of Kimura et al. (US 5,815,477).

Yokoi et al., according to Figs. 6 and 7 or 16 and 17, show all the limitations of the instant claimed invention (see the rejection above) except for the use of varying the write power in proportion with a change of one of the recording velocity and recording position of the storage medium. Kimura et al., according to Fig. 9, teach the use of the write power adjustment above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2653

modify the recording system of Yokoi et al by adjusting the write power in proportion with a change of one of the recording velocity and recording position of the storage medium as suggest by Kimura et al in order to accurately determine the optimum power level of write pulse.

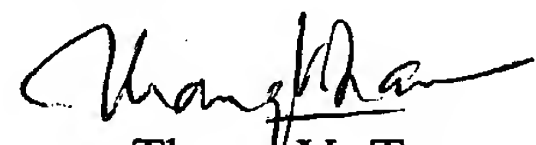
Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a recording device for recording data marks or pits on a recording medium based on multi-pulse having different recording power levels.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653